



United States Bankruptcy Court
Northern District of Ohio
Frank T. Bow Federal Building
201 Cleveland Avenue, S.W.
Canton, Ohio 44702
From the desk of Judge Russ Kendig

TO: Counsel

RE: Motions to avoid judgment liens or mortgages on real estate

DATE: December 5, 2002

Electronic case filing will change much of our way of doing business. One of the changes is that it will be more difficult for the court to search through the file for support for overly abbreviated and conclusory motions. Among these are motions to avoid or strip judgment liens or mortgages on real estate.

A motion should not be granted merely because no opposition exists. The moving party is still required to meet the burden of proof. These motions need to include the following effective January 1, 2003:

1. Description of the property:

- A. It's size, e.g. acreage or lot dimension
- B. Full street address, including number and street, city, state and zip code
- C. Legal description, including all permanent parcel numbers
- D. Statement of the county and political subdivision of its location in the event this information is not included in the legal description. (Remember, many street addresses are for a city when the property is located in an area outside the city limits.)

2. A full description of the ownership interests, including the names of all persons or entities with ownership interests, and the form of title, e.g. joint and several tenancy, tenants in common or sole ownership, dower rights, etc.

3. A statement of value and the basis for the valuation. In a Chapter 13, you must attach the appraisal commissioned by the trustee;

4. A statement as to the priority and balance of each lien, along with an explanation of the basis for the statement as to the balance, e.g. the proof of claim filed in the case, the most recent billing statement, etc.